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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,052	10/30/2000	Koji Nakagiri	35.C14903	6143

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EXAMINER

REITZ, KARL

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,052

Applicant(s)

NAKAGIRI ET AL.

Examiner

Karl R. Reitz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 116 (figure 1). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 25-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim format used, namely "a computer-readable program for . . ." is unacceptable, since the terminology "computer-readable program" alone has no set definition. According to the MPEP 2106, a statutory product with descriptive material must include a positive recitation of the computer readable medium. Claim formats such as "a computer program embodied in a computer readable medium for . . ." or "a computer readable medium storing a program for . . ." are acceptable and not subject to a 101 rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 9-14, 17-22 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertz (6,173,295) and Center (5,953,007).

7. In accordance with claim 1, Goertz discloses an information processing apparatus (client computers 4a, b and c) for forming print data to be transmitted to a printing apparatus (col. 4 lines 32-36).

8. Goertz further discloses an intermediate data converter (InfoPrint Submit software 10) for converting data formed by an application to be printed into data in an intermediate code format and temporarily preserving the intermediate code format data as one print job in memory; in Goertz's system, the InfoPrint Submit software 10 forms the job ticket 40 (col. 7 lines 8-9) this ticket 40 is then sent to the scheduler/spooler 20 for further generation before being transmitted to the printers (col. 4 lines 31-36). The job ticket contains the data to be printed along with the layout and attribute information (col. 6 lines 35-44).

9. Goertz further discloses that layout information is stored in the job ticket 40 (col. 6 lines 35-37) however, he does not disclose expressly a preview display controller for obtaining the layout information from the intermediate code format data preserved by the intermediate data converter and controlling display of a preview of the composed job

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on the basis of the layout information. Goertz also does not disclose expressly a job composer for forming one composed job by composing a plurality of jobs preserved by the intermediate data converter.

10. Center discloses using intermediate print data to control a display to preview the composed job on the basis of the layout information in the job ticket; in Center's system, the user is allowed to select and alter the layout information for a page or a plurality of pages and a preview is shown to the user based on the layout information (col. 3 lines 18-30) the preview is shown in area 211 in figure 2 (col. 5 line 12).

11. Center also discloses N-up printing (col. 3 lines 26-27). A job composer is, therefore, inherent in Center's system, since the user is allowed to select specific N pages to fit onto one page to be printed, it is inherent that the data for the N pages is stored in memory and combined into a new job to be sent to the printer, in accordance with the user's selection. If the pages were not separately stored in memory, it would be impossible to show the user the images of the pages, and in order to be printed on one page they must be combined into a new one-page document.

12. Goertz and Center are combinable because they are from the same field of endeavor, namely printing apparatuses and methods that allow the user to alter and control the layout of the data to be printed.

13. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to incorporate the preview function that uses the layout information in the job ticket to allow the user to preview that data, as described by Center, into the overall printing apparatus and method as disclosed by Goertz.

14. The motivation for doing so would have been to a) provide the user with a clear and practical visual understanding of print layout (Center: col. 3 lines 1-4) and b) to show the user exactly what the page layout will look like without requiring printing (Center: col. 3 lines 5-7).

15. In accordance with claim 9, the components of the apparatus of claim 1 performs all the steps of the method of claim 9. The intermediate data converter, job composer and preview display of claim 1 perform the intermediate data converting, job composing and preview displaying steps of claim 9.

16. In accordance with claims 17 and 25, the steps of the method of claim 9 perform the steps of the program of claims 17 and 25. The intermediate data converting, job composing and preview displaying steps of claim 9 perform the intermediate data converting, job composing and preview displaying steps of claims 17 and 25.

17. In accordance with claims 2, 10, 18 and 26, Center discloses a setting editor for displaying a user interface to edit a print setting of the preserved intermediate code format data and temporarily preserving the print setting edited by said user interface in association with the intermediate code format data; in Center's system, figure 1 illustrates a user interface allowing a user to manipulate the attributes of a print job in a print job ticket (col. 4 lines 15-17).

18. Goertz discloses that the job ticket 40 stores the layout information (col. 6 lines 35-37).

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19. In accordance with claims 3, 11, 19 and 27, Center discloses that the user interface allows the user to edit the document by selecting the attributes of the print job (col. 4 lines 55-56).

20. In accordance with claims 4, 12, 20 and 28, it is inherent in Center's system that when settings are preserved on a job unit basis (i.e. one page of data) that when a composed job (i.e. an N-up operation in which N pages of data are fit into one page to be printed) a file is newly generated for printing. In Center's system, N-up printing is one of the options the user is allowed to alter (col. 3 lines 27-28). Since the user is allowed to select specific N pages to fit onto one page to be printed, it is inherent that the data for the N pages is stored in memory and combined into a new job to be sent to the printer, in accordance with the user's selection. If the pages were not separately stored in memory, it would be impossible to show the user the images of the pages, and in order to be printed on one page they must be combined into a new one-page document.

21. In accordance with claims 5, 13, 21 and 29, Goertz discloses that the layout information includes a layout process in the information processing apparatus and the printing apparatus; in Goertz's system the job ticket 40 stores layout information (col. 6 lines 36-38) and is created in the information processing apparatus (col. 7 lines 7-9) the scheduler/spooler 20, which is part of the printing apparatus in Goertz's system, also handles the layout since it generates printer files from the data transmitted from the information processing apparatuses (col. 4 lines 31-36).

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22. In accordance with claims 6, 14, 23 and 30, Goertz discloses a print data-forming unit (scheduler/spooler 20) for forming the print data to be transmitted to said printing apparatus on the basis of intermediate format data preserved by said intermediate data converter (col. 4 lines 31-36).

23. Claims 7-8, 15-16, 23-24 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertz and Center in view of Onuma (6,570,669).

24. In accordance with claims 7, 15, 23 and 31, Goertz and Center do not disclose expressly a draw command forming unit for converting the intermediate format data preserved by said intermediate data converter into a draw command which can be interpreted by a drawing unit of an OS for outputting or a print command allocating unit for sending a print command received from the application through the drawing unit of the OS to the spooler and sending the print command received from said draw command setting unit through the drawing unit of the OS to said print forming unit.

25. Onuma discloses a draw command forming (as part of the OS) unit for converting the intermediate format data into a draw command which can be interpreted by a drawing unit of an OS for outputting; in Onuma's system, the OS generates a draw file based on the information sent from the application in which the data to be printed was created (col. 5 lines 53-57).

26. Onuma discloses a print command-allocating unit 3 for sending a print command received from the application through the drawing unit of the OS (col. 5 lines 53-57). The command is then sent to the spooler 4 (col. 6 lines 1-3) and then on to the print-forming unit 8 (as shown in figure 1).

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27. Goertz, Center and Onuma are combinable because they are from the same field of endeavor, namely computer systems for transmitting data to printers.

28. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to transmit the document to be printed through a draw command forming unit and a print command allocating unit for sending a print command received from the application through the drawing unit of the OS to the spooler and sending the print command received from said draw command setting unit through the drawing unit of the OS to said print forming unit, as disclosed by Onuma.

29. The motivation for doing so would have been to get the data in the proper form for transmission to the printer, so that the printer can print the data.

30. In accordance with claims 8, 16, 24 and 32, Onuma further discloses that the draw command is a GDI function (col. 3 line 59) and the print command is a DDI function (col. 3 line 65).

31. Goertz discloses that the print data is in a printer language, namely PostScript or PDF (6 lines 4-5).

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other art cited discloses other methods and apparatuses for allowing the user to preview and edit image data before it is printed.

Contact Information

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl R. Reitz whose telephone number is (703) 305-8696. The examiner can normally be reached on Monday-Friday 8:00-4:30.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 305-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KRR



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